

Remarks

This is in response to the Office Action of March 18, 2008. The issues raised therein are addressed below in the order originally set forth.

1. Claim rejections—35 USC 112.

Claims 1-14, 16-19, 21, 28-46, and 48-50 stand rejected as indefinite under the second paragraph of 35 USC 112, it being noted that there is no antecedent basis for "hydrophilic head group" in claims 1 and 33. This phrase has been amended to recite "protein resistant head group" consistent with earlier useage in the claims and to provide clear antecedent basis. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

2. Claim rejections—35 USC 103.

Claims 1-4, 6-9, 12-14, 18-19, 21 and 32 stand rejected as obvious under 35 USC 103(a) over **Chapman et al.** To narrow and simplify the issues, claim 1 has been amended to incorporate the recitation of claim 10. Accordingly, it is respectfully submitted that this rejection is now moot and should be withdrawn.

Claims 1 and 28-31 stand rejected as obvious under 35 USC 103(a) over **Chapman et al.** as applied above, and further in view of **Healy**. To narrow and simplify the issues, claim 1 has been amended to incorporate the recitation of claim 10. Accordingly, it is respectfully submitted that this rejection is now moot and should be withdrawn.

Claims 1 and 17 stand rejected as obvious under 35 USC 103(a) over **Chapman et al.** as applied above, and further in view of **Leckband et al.** To narrow and simplify the issues, claim 1 has been amended to incorporate the recitation of claim 10. Accordingly, it is respectfully submitted that this rejection is now moot and should be withdrawn.

Claims 1-14, 16, 18-19, 21, 33-39, 41-46, 48 and 50 stand rejected as obvious under 35 USC 103(a) over **Chapman et al.** as applied above, and further in view of **Hawker et al.** and

Zhang et al. For the reasons set forth below, reconsideration and withdrawal of this rejection is respectfully requested.

Hawker grows a film *in situ* on a surface, but is not concerned with applying protein-resistance to a surface.

Zhang is the opposite of Hawker et al., in that Zhang is concerned with free-standing films or films coated on (essentially painted on) a surface. Hence Zhang's goal is to create something other than brush polymers. One skilled in the art would not be motivated to combine two opposite approaches.

Chapman is different from both Hawker and Zhang. Chapman first applies a self-assembled monolayer on gold to provide reactive groups, to which pre-formed polymer is then attached, and to which kosmotropes are in turn attached. Hence Chapman's goal is to create something other than brush polymers, and to create something other than Zhang as well.

The three cited references have significantly different goals, which are achieved by significantly different techniques. Hence, it is respectfully submitted that a person of ordinary skill in the art would not be motivated to combine these three references to achieve the presently claimed invention. As explained by the Supreme Court:

it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.

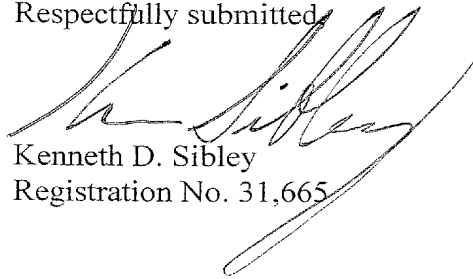
KSR International Co. v. Teleflex Inc., et al., 550 U.S. 398, 418-419 (2007) (emphasis added). Given the absence of a motivation to combine the cited references in a manner that would achieve the claimed invention, it is respectfully submitted that this rejection should be withdrawn. Indeed, in *KSR* the Supreme Court dealt only with a combination of two references of prior art (Asano in combination with a pivot mount pedal position sensor) in a predictable field of mechanics. Given *KSR's* warning about the inappropriateness of combining references when

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the subject matter of the invention is unpredictable, a holding of obviousness in a chemical case over a combination of three references is inconsistent therewith.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Sibley', written over the typed name and registration number.

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